

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 37-43, 45-54, 56-65, 67-69, and 97 are pending in the present application, Claims 37, 48, 59-65, 67-69, and 97 having been amended. Support for the amendments to Claims 37, 48, 59-65, 67-69, and 97 is found, for example, in paragraphs [0147], [0165], and [0173] of the published version of the application (2002/0046097). Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 37-43, 45-54, 56-65, 67-69, and 97 were rejected under 35 U.S.C. § 103(a) as unpatentable over Logan et al. (U.S. Patent No. 5,721,827, hereinafter Logan).

With respect to the rejection of Claim 37 as unpatentable over Logan, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*, “receiving means for receiving from a device of a content creator via internet, content data and predetermined information including at least category information indicating genre of the content data which is appointed by the content creator, the content data including advertising data affixed thereto, said advertising data being affixed based on commercial desired data generated in response to a selection by the content creator.” Logan does not disclose or suggest these elements of amended Claim 37.

Logan describes two devices, a host computer 101 and an audio player device 103. Logan describes a distribution system in which the host computer provides an audio program segment capable of including advertising materials to the audio player of a client subscriber.

Logan does not disclose or suggest that the host computer receives content data and predetermined information including at least category information indicating genre of the content from a device of the content creator via the Internet. The system shown in Fig. 1 of

Logan does not show a device of the content creator. Furthermore, Logan does not disclose or suggest that the host computer receives predetermined information including at least category information indicating genre of the content data which is appointed by the content creator.

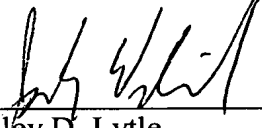
Logan describes that audio player 103 receives an audio program from the host computer. However, Logan does not disclose or suggest that the host computer is a device of the content creator. Furthermore, Logan does not disclose or suggest that the audio player receives the audio program along with predetermined information including at least category information indicating genre of the content data which is appointed by the content creator.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 37 (and any claims dependent thereon) patentably distinguishes over Logan. Claims 48, 49, and 97 recite elements that are analogous to the elements of Claim 37. Thus, Applicants respectfully submit that Claims 48 and 49 (and any claims dependent thereon) patentably distinguish over Logan.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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